

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,	)	Criminal No. 21-229 (JRT/KMM)
	)	
v. Plaintiff,	)	
	)	<b>DEFENDANT'S MOTION TO</b>
JOHN SCOTT ENDERLEIN,	)	<b>SUPPRESS EVIDENCE OBTAINED</b>
	)	<b>AS A RESULT OF SEARCH AND</b>
Defendant.	)	<b>SEIZURE</b>

The defendant, John Enderlein, by and through his attorney, respectfully moves the Court, pursuant to Rule 12, Federal Rules of Criminal Procedure, to suppress any physical evidence obtained as a result of a search and seizure on the following grounds:

On March 4, 2021, officers executed a search warrant at Mr. Enderlein's residence. Officers subsequently executed additional search warrants on Mr. Enderlein's phone and internet providers. Then, when officers arrested Mr. Enderlein on this indictment, they seized an additional phone and subsequently executed an additional search warrant dated October 29, 2021, on that seized phone as well.

The evidence seized pursuant to the warrants should be suppressed because the warrants were issued without a sufficient showing of probable cause in the supporting affidavits, and the warrants was so deficient in their showing of probable cause that they could not be relied upon in good faith. In addition, the later recovered phone was seized without a warrant and without probable cause and all evidence obtained from that phone should be suppressed for that reason as well.

This motion is based on the indictment, the records and files in the above-entitled action, and any and all other matters which may be presented prior to or at the time of the

hearing of said motion. The government is requested to produce the search warrant(s) involved and submit any search warrants for four corner's review. No testimony is required to resolve that part of this motion, but testimony on the seizure of the subsequently recovered phone is necessary to resolve that issue and the officers involved in the seizure of that phone are requested to testify at the motions hearing. That testimony should take 30-40 minutes.

Dated: November 24, 2021

Respectfully submitted,

*s/ Douglas Olson*

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